

Expedited Bill No. 8-04
Concerning: Admissions and Amusement
Tax – Amendments
Revised: May 12, 2004 Draft No. 2
Introduced: April 13, 2004
Enacted: May 19, 2004
Executive: _____
Effective: August 1, 2004
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Praisner, Knapp, and Floreen

AN EXPEDITED ACT to:

- (1) specify that the admissions and amusement tax rate must be set by resolution as provided by State law; and
- (2) generally amend the law authorizing the admissions and amusement tax.

By amending

Montgomery County Code
Chapter 52, Taxation
Section 52-16A

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]
amendment.

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 52-16A is amended as follows:

52-16A. Admissions and amusement tax.

- (a) [Pursuant to] As authorized by [s]Section 4-102(a)(1) of the Tax-General Article of the [Annotated] Maryland Code [of Maryland], a tax is imposed at a rate set by resolution adopted by the Council and approved by the Executive on the gross receipts derived from any admissions and amusement charge as defined in section 4-101(b) of the Tax-General Article [of the Annotated Code of Maryland, at the rate of 7%;] except [as] to the extent this rate [may be] is limited [pursuant to] by [s]Section 4-105(b) of the Tax-General Article [of the Annotated Code of Maryland]. If the Executive disapproves a resolution within 10 days after it is adopted and the Council readopts it by a vote of six Councilmembers, or if the Executive does not act within 10 days after the Council adopts it, the resolution takes effect.
- (b) In addition to the exemptions listed in Section 4-103 of the Tax-General Article, the following gross receipts are exempt from this tax:
- (1) gross receipts used exclusively for community or civic improvement by a not for profit community association [within the meaning of] as defined by [s]Section 4-104(a) of the Tax-General Article [of the Annotated Code of Maryland.];
 - (2) gross receipts from any charge for admission to a concert or theatrical event of a not for profit organization organized to present or offer any of the performing arts [within the meaning of] as defined by [s]Section 4-104(b) of the Tax-General Article [of the Annotated Code of Maryland.];

(3) [G]gross receipts from any admissions and amusement charge by the County Board of Education or Montgomery College, or by any County, bi-county, or municipal government agency, including the Revenue Authority and the Maryland-National Capital Park and Planning Commission[.]; and

(4) [G]gross receipts from any admissions and amusement charge levied by an arts and entertainment enterprise or qualifying residing artist in an arts and entertainment district designated under state law.

(c) Revenue from the admissions and amusement tax set at a rate of 7 percent or less may be used for General Fund purposes. Additional revenue generated from levying the tax at a higher rate must be used to support, encourage, and promote arts and humanities in the County, including projects, performances, historic and heritage preservation, and other activities that advance the artistic, cultural, and intellectual environment in the County. The Council must decide in the annual operating budget how these funds are administered.

Sec. 2. Expedited effective date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on [[July]] August 1, 2004.

Approved:

Steven A. Silverman, President, County Council

Date

50 *Approved:*

51

Douglas M. Duncan, County Executive

Date

52 *This is a correct copy of Council action.*

53

Mary A. Edgar, CMC, Clerk of the Council

Date